



General Assembly

## ***Substitute Bill No. 33***

***February Session, 2014***



### ***AN ACT ESTABLISHING A NEW HAVEN REGION DEVELOPMENT AUTHORITY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) The following terms,  
2       when used in this section and in sections 2 to 9, inclusive, of this act  
3       shall have the following meanings:

4       (1) "City project" means a project occurring within the city of New  
5       Haven but outside the boundaries of the NRDA development district;

6       (2) "Authority development project" means a project occurring  
7       within the boundaries of the NRDA development district;

8       (3) "NRDA development district" means the area commencing at the  
9       intersection of Union Avenue, Church Street South and Church Street  
10      Extension and proceeding northeasterly on Union Street to the  
11      intersection with Water Street, thence proceeding easterly on Water  
12      Street to the intersection of Olive Street, thence proceeding northerly  
13      on Olive Street to the intersection of Court Street, thence proceeding  
14      westerly on Court Street to the intersection of Orange Street, thence  
15      proceeding southerly on Orange Street to the intersection of Chapel  
16      Street, thence proceeding westerly on Chapel Street to the intersection  
17      of Church Street, thence proceeding southerly on Church Street to the  
18      intersection of Crown Street, thence proceeding westerly on Crown  
19      Street to the intersection with Temple Street, thence proceeding

20 southerly on Temple Street to the intersection with George Street and  
21 proceeding westerly on George Street to the intersection of York Street,  
22 thence proceeding southerly on York Street to the intersection of  
23 Howard Avenue, thence proceeding southeasterly on Howard Avenue  
24 to the intersection of Spring Street, thence proceeding northeasterly on  
25 Spring Street, thence proceeding northerly on Union Avenue  
26 terminating at the intersection of Church Street South, Church Street  
27 Extension and Union Avenue; and

28 (4) "Greater New Haven region" means all of the towns contiguous  
29 to the city of New Haven.

30 (b) There is created a body politic and corporate to be known as the  
31 "New Haven Region Development Authority". The New Haven  
32 Region Development Authority shall be a public instrumentality and  
33 political subdivision of this state and the exercise of the powers  
34 conferred by this section and sections 2 to 10, inclusive, of this act by  
35 the authority shall be deemed and held to be the performance of an  
36 essential public and governmental function. The New Haven Region  
37 Development Authority shall not be construed to be a department,  
38 institution or agency of the state.

39 (c) The New Haven Region Development Authority shall be  
40 governed by a board of directors consisting of thirteen members. The  
41 board shall consist of the following members: (1) Three appointed by  
42 the Governor; (2) two appointed by the mayor of the city of New  
43 Haven, one of whom shall be an employee of the city of New Haven  
44 who is responsible for economic development and who is not an  
45 elected official; (3) the chair of the South Central Regional Council of  
46 Governments, except that if the chair is the mayor of New Haven, then  
47 the vice-chairperson shall serve; (4) one appointed jointly by the  
48 speaker of the House of Representatives and the president pro tempore  
49 of the Senate; (5) one appointed jointly by the minority leaders of the  
50 House of Representatives and Senate; (6) the mayor of New Haven,  
51 who shall serve as a voting, ex-officio member; and (7) the Secretary of  
52 the Office of Policy and Management and the Commissioners of

53 Transportation, Housing and Economic and Community  
54 Development, or their designees, who shall serve as voting, ex-officio  
55 members. The Governor shall designate the chairperson. All initial  
56 appointments shall be made not later than thirty days after the  
57 effective date of this section. The terms of the initial board members  
58 appointed shall be as follows: The three members appointed by the  
59 Governor shall serve four-year terms from the appointment date; the  
60 two members appointed by the mayor of the city of New Haven shall  
61 serve three-year terms from the appointment date; the member  
62 appointed jointly by the speaker of the House of Representatives and  
63 the president pro tempore of the Senate shall serve a two-year term  
64 from the appointment date and the member appointed jointly by the  
65 minority leaders of the House of Representatives and the Senate shall  
66 serve a two-year term from the appointment date. Thereafter all  
67 members shall be appointed for four-year terms. A member of the  
68 board shall be eligible for reappointment. Any member of the board  
69 may be removed by the appointing authority for misfeasance,  
70 malfeasance or wilful neglect of duty. Each member of the board,  
71 before commencing such member's duties, shall take and subscribe the  
72 oath or affirmation required by article XI, section 1, of the state  
73 Constitution. A record of each such oath shall be filed in the office of  
74 the Secretary of the State. The board of directors shall maintain a  
75 record of its proceedings in such form as it determines, provided such  
76 record indicates attendance and all votes cast by each member. Any  
77 member who fails to attend three consecutive meetings or who fails to  
78 attend fifty per cent of all meetings held during any calendar year shall  
79 be deemed to have resigned from the board. A majority vote of the  
80 members of the board shall constitute a quorum and the affirmative  
81 vote of a majority of the members present at a meeting of the board  
82 shall be sufficient for any action taken by the board. No vacancy in the  
83 membership of the board shall impair the right of a quorum to exercise  
84 all the rights and perform all the duties of the board. Any action taken  
85 by the board may be authorized by resolution at any regular or special  
86 meeting and shall take effect immediately unless otherwise provided  
87 in the resolution. The board may delegate to three or more of its

88 members, or its officers, agents and employees, such board powers and  
89 duties as it may deem proper.

90 (d) (1) The board of directors shall annually elect one of its members  
91 as vice-chairperson and shall elect other of its members as officers,  
92 adopt a budget and bylaws, designate an executive committee, report  
93 semiannually to the appointing authorities with respect to operations,  
94 finances and achievement of its economic development objectives, be  
95 accountable to and cooperate with the state whenever the state may  
96 audit the authority or authority development project or at any other  
97 time as the state may inquire as to either, including allowing the state  
98 reasonable access to any such project and to the records of the  
99 authority.

100 (2) The authority shall have an executive director who shall be  
101 appointed by the board of directors and shall be the chief  
102 administrative officer of the authority. The executive director shall not  
103 be a member of the board of directors.

104 (3) Members of the board of directors shall receive no compensation  
105 for the performance of their duties hereunder, but shall be reimbursed  
106 for all expenses reasonably incurred in the performance thereof.

107 (e) Each member of the board of directors of the authority and the  
108 executive director shall execute a surety bond in the penal sum of at  
109 least one hundred thousand dollars, or, in lieu thereof, the chairperson  
110 of the board shall execute a blanket position bond covering each  
111 member, the executive director and the employees of the authority.  
112 Each surety bond shall be conditioned upon the faithful performance  
113 of the duties of the office or offices covered, executed by a surety  
114 company authorized to transact business in this state as a surety and to  
115 be approved by the Attorney General and filed in the office of the  
116 Secretary of the State. The cost of each bond shall be paid by the  
117 authority.

118 (f) No board member shall have or acquire any financial interest in

119 (1) any city project or authority development project, (2) any project  
120 undertaken by the authority within the greater New Haven region, or  
121 (3) any property included or planned to be included in any such  
122 project or in any contract or proposed contract for materials or services  
123 to be used in such project.

124 (g) The authority shall have perpetual succession and shall adopt  
125 procedures for the conduct of its affairs in accordance with section 3 of  
126 this act. Such succession shall continue as long as the authority shall  
127 have bonds, notes or other obligations outstanding and until the  
128 existence of the authority is terminated by law at which time the rights  
129 and properties of the authority shall pass to and be vested in the state.

130 (h) All financial, credit and proprietary information contained in  
131 any application or request filed with the authority with respect to  
132 funding for any city project or authority development project shall be  
133 exempt from the provisions of subsection (a) of section 1-210 of the  
134 general statutes.

135 Sec. 2. (NEW) (*Effective from passage*) (a) The purpose of the New  
136 Haven Region Development Authority shall be (1) to stimulate new  
137 investment within the city of New Haven; (2) to stimulate economic  
138 development in the greater New Haven region; (3) to encourage  
139 residential housing development; (4) to stimulate tourism, art, culture,  
140 history, education and entertainment through cooperation and  
141 coordination with city and regional organizations and the Department  
142 of Economic and Community Development; (5) to manage facilities  
143 through contractual agreement or other legal instrument; (6) upon  
144 request from the legislative body of a city or town within the greater  
145 New Haven region, to work with such city or town to assist in the  
146 development and redevelopment efforts to stimulate the economy of  
147 the region and increase tourism; (7) upon request of the Secretary of  
148 the Office of Policy and Management, to enter into an agreement for  
149 funding to facilitate development or redevelopment within the NRDA  
150 development district; and (8) to develop and redevelop property  
151 outside the NRDA development district and within the city of New

152 Haven at the request of the mayor.

153 (b) For these purposes, the authority shall have the following  
154 powers: (1) To have perpetual succession as a body corporate and to  
155 adopt procedures for the regulation of its affairs and the conduct of its  
156 business as provided in section 3 of this act; (2) to adopt a corporate  
157 seal and alter the same at its pleasure; (3) to maintain an office at such  
158 place or places within the city of New Haven as it may designate; (4) to  
159 sue and be sued, to contract and be contracted with; (5) to employ such  
160 assistants, agents and other employees as may be necessary or  
161 desirable to carry out its purposes, which employees shall not be  
162 employees, as defined in subsection (b) of section 5-270 of the general  
163 statutes, to fix their compensation, to establish and modify personnel  
164 procedures as may be necessary from time to time and to negotiate and  
165 enter into collective bargaining agreements with labor unions; (6) to  
166 acquire, lease, hold and dispose of personal property for the purposes  
167 set forth in this section; (7) to procure insurance against any liability or  
168 loss in connection with its property and other assets, in such amounts  
169 and from such insurers as it deems desirable and to procure insurance  
170 for employees; (8) to invest any funds not needed for immediate use or  
171 disbursement in obligations issued or guaranteed by the United States  
172 of America or the state of Connecticut, including the Short Term  
173 Investment Fund, and the Tax-Exempt Proceeds Fund, and in other  
174 obligations that are legal investments for savings banks in this state  
175 and in time deposits or certificates of deposit or other similar banking  
176 arrangements secured in such manner as the authority determines; (9)  
177 to enter into such memoranda of understanding as the authority  
178 deems appropriate to carry out its responsibilities under this section;  
179 and (10) to do all acts and things necessary or convenient to carry out  
180 the purposes of and the powers expressly granted by this section.

181 (c) In addition to the powers enumerated in subsection (b) of this  
182 section, with respect to authority development projects, the authority  
183 shall have the following powers: (1) (A) To acquire by gift, purchase,  
184 condemnation, lease or transfer, lands or rights-in-land and to sell and

185 lease or sublease, as lessor or lessee or sublessor or sublessee, any  
186 portion of its real property rights, including air space above, and enter  
187 into related common area maintenance, easement, access, support and  
188 similar agreements, and own and operate facilities, provided such  
189 activity is consistent with all applicable federal tax covenants of the  
190 authority; (B) to transfer or dispose of any property or interest therein  
191 acquired by it at any time; and (C) to receive and accept aid or  
192 contributions from any source of money, labor, property or other thing  
193 of value, to be held, used and applied to carry out the purposes of this  
194 section, subject to the conditions upon which such grants and  
195 contributions are made, including, but not limited to, gifts or grants  
196 from any department, agency or instrumentality of the United States or  
197 this state for any purpose consistent with this section; (2) in  
198 consultation with the mayor of the city of New Haven, to condemn  
199 properties that may be necessary or desirable to effectuate the  
200 purposes of the authority to be exercised in accordance with the  
201 provisions of part I of chapter 835 of the general statutes; (3) to  
202 formulate plans for, acquire, finance and develop, lease, purchase,  
203 construct, reconstruct, repair, improve, expand, extend, operate,  
204 maintain and market facilities, provided such activities are consistent  
205 with all applicable federal tax covenants of the authority; (4) to  
206 contract and be contracted with, provided if management, operating or  
207 promotional contracts or agreements or other contracts or agreements  
208 are entered into with nongovernmental parties with respect to  
209 property financed with the proceeds of obligations, the interest on  
210 which is excluded from gross income for federal income taxation, the  
211 board of directors shall ensure that such contracts or agreements are in  
212 compliance with the covenants of the authority upon which such tax  
213 exclusion is conditioned; (5) to fix and revise, from time to time, and to  
214 charge and collect fees, rents and other charges for the use, occupancy  
215 or operation of such projects, and to establish and revise from time to  
216 time procedures concerning the use, operation and occupancy of such  
217 facilities, including parking rates, rules and procedures, provided such  
218 arrangements are consistent with all applicable federal tax covenants  
219 of the authority, and to utilize net revenues received by the authority

220 from the operation of such facilities after allowance for operating  
221 expenses and other charges related to the ownership, operation or  
222 financing thereof, for other proper purposes of the authority,  
223 including, but not limited to, funding of operating deficiencies or  
224 operating or capital replacement reserves for either such facilities and  
225 related parking facilities as determined to be appropriate by the  
226 authority; (6) to engage architects, engineers, attorneys, accountants,  
227 consultants and such other independent professionals as may be  
228 necessary or desirable to carry out its purposes; (7) to contract for  
229 construction, development, concessions and the procurement of goods  
230 and services and to establish and modify procurement procedures  
231 from time to time to implement the foregoing in accordance with the  
232 provisions of section 3 of this act; (8) to borrow money and to issue  
233 bonds, notes and other obligations of the authority to the extent  
234 permitted under section 6 of this act, to fund and refund the same and  
235 to provide for the rights of the holders thereof and to secure the same  
236 by pledge of assets, revenues and notes; (9) to do anything necessary  
237 and desirable, including executing reimbursement agreements or  
238 similar agreements in connection with credit facilities, including, but  
239 not limited to, letters of credit or policies of bond insurance,  
240 remarketing agreements and agreements for the purpose of  
241 moderating interest rate fluctuations, to render any bonds to be issued  
242 pursuant to section 6 of this act more marketable; and (10) to engage in  
243 and contract for marketing and promotional activities for the facilities  
244 under the operation or jurisdiction of the authority.

245 (d) The authority and the mayor of the city of New Haven may  
246 enter into a memorandum of understanding pursuant to which: (1)  
247 Administrative support and services, including all staff support,  
248 necessary for the operations of the authority may be provided by the  
249 city of New Haven or other authority within the city of New Haven,  
250 (2) the city of New Haven or other authority within the city of New  
251 Haven is authorized to administer contracts and accounts of the  
252 authority, and (3) provision is made for the coordination of  
253 management and operational activities that may include: (A) Joint



254 procurement and contracting, (B) the sharing of services and resources,  
255 (C) the coordination of promotional activities, and (D) other  
256 arrangements designed to enhance revenues, reduce operating costs or  
257 achieve operating efficiencies. The terms and conditions of such  
258 memorandum of understanding, including provisions with respect to  
259 the reimbursement by the authority to the city of New Haven or other  
260 authority within the city of New Haven of the costs of such  
261 administrative support and services, shall be as the authority and the  
262 mayor of the city of New Haven determine to be appropriate.

263       Sec. 3. (NEW) (*Effective from passage*) The board of directors of the  
264 New Haven Region Development Authority shall adopt written  
265 procedures, in accordance with the provisions of section 1-121 of the  
266 general statutes, for: (1) Adopting an annual budget and plan of  
267 operations, which shall include a requirement of board approval  
268 before the budget or plan may take effect; (2) hiring, dismissing,  
269 promoting and compensating employees of the authority, which shall  
270 include an affirmative action policy and a requirement of board  
271 approval before a position may be created or a vacancy filled; (3)  
272 acquiring real and personal property and personal services, which  
273 shall include a requirement of board approval for any nonbudgeted  
274 expenditure in excess of five thousand dollars; (4) contracting for  
275 financial, legal, bond underwriting and other professional services,  
276 which shall include a requirement that the authority solicit proposals  
277 at least once every three years for each such service that it uses; (5)  
278 issuing and retiring bonds, notes and other obligations of the  
279 authority; (6) providing financial assistance, which shall include  
280 eligibility criteria, the application process and the role played by the  
281 authority's staff and board of directors; and (7) the use of surplus  
282 funds.

283       Sec. 4. (NEW) (*Effective from passage*) (a) In lieu of the report required  
284 under section 1-123 of the general statutes, within the first ninety days  
285 of each fiscal year of the New Haven Region Development Authority,  
286 the board of directors of the authority shall submit a report to the

287 Governor, the Auditors of Public Accounts and the joint standing  
288 committee of the General Assembly having cognizance of matters  
289 relating to finance, revenue and bonding. Such report shall include,  
290 but not be limited to, the following: (1) A list of all bonds issued during  
291 the preceding fiscal year, including, for each such issue, the financial  
292 advisor and underwriters, whether the issue was competitive,  
293 negotiated or privately placed, and the issue's face value and net  
294 proceeds; (2) a description of the authority development project or any  
295 economic development project in the greater New Haven region in  
296 which the authority is involved, its location and the amount of funds,  
297 if any, provided by the authority with respect to the construction of  
298 such project; (3) a list of all outside individuals and firms, including  
299 principal and other major stockholders, receiving in excess of five  
300 thousand dollars as payments for services; (4) a comprehensive annual  
301 financial report prepared in accordance with generally accepted  
302 accounting principles for governmental enterprises; (5) the cumulative  
303 value of all bonds issued, the value of outstanding bonds and the  
304 amount of the state's contingent liability; (6) the affirmative action  
305 policy statement, a description of the composition of the work force of  
306 the authority by race, sex and occupation and a description of the  
307 affirmative action efforts of the authority; and (7) a description of  
308 planned activities for the current fiscal year.

309 (b) In lieu of the audit required under section 1-122 of the general  
310 statutes, the board of directors of the authority shall annually contract  
311 with a person, firm or corporation for a compliance audit of the  
312 authority's activities during the preceding authority fiscal year. The  
313 audit shall determine whether the authority has complied with its  
314 regulations concerning affirmative action, personnel practices, the  
315 purchase of goods and services and the use of surplus funds. The  
316 board shall submit the audit report to the Governor, the Auditors of  
317 Public Accounts and the joint standing committee of the General  
318 Assembly having cognizance of matters relating to finance, revenue  
319 and bonding.

320 (c) The board of directors of the authority shall annually contract  
321 with a firm of certified public accountants to undertake an  
322 independent financial audit of the authority in accordance with  
323 generally accepted auditing standards. The board shall submit the  
324 audit report to the Governor, the Auditors of Public Accounts and the  
325 joint standing committee of the General Assembly having cognizance  
326 of matters relating to finance, revenue and bonding. The books and  
327 accounts of the authority shall be subject to annual audits by the state  
328 Auditors of Public Accounts.

329 (d) The authority shall designate a contract compliance officer from  
330 the staff of the authority to monitor compliance of the operations of  
331 facilities under the management or control of the authority and related  
332 parking facilities with (1) the provisions of state law applicable to such  
333 operations, and (2) applicable requirements of contracts entered into  
334 by the authority relating to set-asides for small contractors and  
335 minority business enterprises and required efforts to hire available and  
336 qualified members of minorities, as defined in section 32-9n of the  
337 general statutes, and available and qualified residents of the city of  
338 New Haven for jobs in such operations. Each year during the period of  
339 facility operations, such officer shall file a written report with the  
340 authority as to findings and recommendations regarding such  
341 compliance.

342 Sec. 5. (NEW) (*Effective from passage*) (a) Any person, including, but  
343 not limited to, a state or municipal agency, requesting funds from the  
344 state, including, but not limited to, any authority created by the  
345 general statutes or any public or special act, with respect to any city  
346 project or any economic development project in the greater New  
347 Haven region in which the New Haven Region Development  
348 Authority is involved shall, at the time it makes such request for funds  
349 from the state, present a full and complete copy of its application or  
350 request along with any supporting documents or exhibits to the New  
351 Haven Region Development Authority for its recommendation and to  
352 the Secretary of the Office of Policy and Management. The New Haven

353 Region Development Authority shall, not later than ninety days after  
354 receipt of such application or request, prepare and adopt an economic  
355 development statement summarizing its recommendations with  
356 respect to such application or request and deliver such statement to the  
357 state officer, official, employee or agent of the state or authority to  
358 whom such application or request was made. The recommendations in  
359 such statement shall include contract provisions regarding  
360 performance standards, including, but not limited to, project timelines.

361 (b) Notwithstanding any other provision of the general statutes,  
362 public or special acts, any regulation or procedure or any other law, no  
363 officer, official, employee or agent of the state or any authority created  
364 by the general statutes or any public or special act shall expend any  
365 funds on any city project or any economic development project in the  
366 region in which the authority is involved, unless such officer, official,  
367 employee or agent has received an economic development statement  
368 adopted by the authority pursuant to subsection (a) of this section,  
369 except that if no such statement is received by the date ninety days  
370 from the date of the initial application or request for such funds, such  
371 funds may be expended. If funds are expended pursuant to this  
372 subsection in a manner not consistent with the recommendations  
373 contained in an economic development statement for such  
374 expenditure, the officer, official, employee or agent of the state  
375 expending such funds shall respond in writing to the authority,  
376 providing an explanation of the decision with respect to such  
377 expenditure.

378 (c) The authority shall coordinate the use of all state and municipal  
379 planning and financial resources that are or can be made available for  
380 any city project or any economic development project in the greater  
381 New Haven region in which the authority is involved, including any  
382 resources available from any quasi-public agency.

383 (d) All state and municipal agencies, departments, boards,  
384 commissions and councils shall cooperate with the New Haven Region  
385 Development Authority in carrying out the purposes enumerated in

386 section 2 of this act.

387       Sec. 6. (NEW) (*Effective from passage*) (a) The board of directors of the  
388 New Haven Region Development Authority is authorized from time to  
389 time to issue its bonds, notes and other obligations in such principal  
390 amounts as in the opinion of the board shall be necessary to provide  
391 sufficient funds for carrying out the purposes set forth in section 2 of  
392 this act, including the payment, funding or refunding of the principal  
393 of, or interest or redemption premiums on, any bonds, notes and other  
394 obligations issued by it, whether the bonds, notes or other obligations  
395 or interest to be funded or refunded have or have not become due, the  
396 establishment of reserves to secure such bonds, notes and other  
397 obligations, loans made by the authority and all other expenditures of  
398 the authority incident to and necessary or convenient to carry out the  
399 purposes set forth in section 2 of this act.

400       (b) Except as may be otherwise expressly provided in this section or  
401 by the board, every issue of bonds, notes or other obligations shall be a  
402 general obligation of the authority payable out of any moneys or  
403 revenues of the authority and subject only to any agreements with the  
404 holders of particular bonds, notes or other obligations pledging any  
405 particular moneys or revenues. Any such bonds, notes or other  
406 obligations may be additionally secured by, any grant or contributions  
407 from any department, agency or instrumentality of the United States or  
408 person or a pledge of any moneys, income or revenues of the authority  
409 from any source whatsoever.

410       (c) Notwithstanding any other provision of any law, any bonds,  
411 notes or other obligations issued by the authority pursuant to this  
412 section shall be fully negotiable within the meaning and for all  
413 purposes of title 42a of the general statutes. Any such bonds, notes or  
414 other obligations shall be legal investments for all trust companies,  
415 banks, investment companies, savings banks, building and loan  
416 associations, executors, administrators, guardians, conservators,  
417 trustees and other fiduciaries and pension, profit-sharing and  
418 retirement funds.

419 (d) Bonds, notes or other obligations of the authority shall be  
420 authorized by resolution of the board of directors of the authority and  
421 may be issued in one or more series and shall bear such date or dates,  
422 mature at such time or times, in the case of any such note, or any  
423 renewal thereof, not exceeding the term of years as the board shall  
424 determine from the date of the original issue of such notes, and, in the  
425 case of bonds, not exceeding thirty years from the date thereof, bear  
426 interest at such rate or rates, be in such denomination or  
427 denominations, be in such form, either coupon or registered, carry  
428 such conversion or registration privileges, have such rank or priority,  
429 be executed in such manner, be payable from such sources in such  
430 medium of payment at such place or places within or without this  
431 state, and be subject to such terms of redemption, with or without  
432 premium, as such resolution or resolutions may provide.

433 (e) Bonds, notes or other obligations of the authority may be sold at  
434 public or private sale at such price or prices as the board shall  
435 determine.

436 (f) Bonds, notes or other obligations of the authority may be  
437 refunded and renewed from time to time as may be determined by  
438 resolution of the board, provided any such refunding or renewal shall  
439 be in conformity with any rights of the holders thereof.

440 (g) Bonds, notes or other obligations of the authority issued under  
441 the provisions of this section shall not be deemed to constitute a debt  
442 or liability of the state or of any political subdivision thereof other than  
443 the authority or a pledge of the faith and credit of the state or of any  
444 such political subdivision other than the authority, and shall not  
445 constitute bonds or notes issued or guaranteed by the state within the  
446 meaning of section 3-21 of the general statutes, but shall be payable  
447 solely from the funds as provided in this section. All such bonds, notes  
448 or other obligations shall contain on the face thereof a statement to the  
449 effect that neither the state of Connecticut nor any political subdivision  
450 thereof other than the authority shall be obligated to pay the same or  
451 the interest thereof except from revenues or other funds of the

452 authority and that neither the faith and credit nor the taxing power of  
453 the state of Connecticut or of any political subdivision thereof other  
454 than the authority is pledged to the payment of the principal of or the  
455 interest on such bonds, notes or other obligations.

456 (h) Any resolution or resolutions authorizing the issuance of bonds,  
457 notes or other obligations may contain provisions, except as limited by  
458 existing agreements with the holders of bonds, notes or other  
459 obligations, which shall be a part of the contract with the holders  
460 thereof, as to the following: (1) The pledging of all or any part of the  
461 moneys received by the authority to secure the payment of the  
462 principal of and interest on any bonds, notes or other obligations or of  
463 any issue thereof; (2) the pledging of all or part of the assets of the  
464 authority to secure the payment of the principal and interest on any  
465 bonds, notes or other obligations or of any issue thereof; (3) the  
466 establishment of reserves or sinking funds, the making of charges and  
467 fees to provide for the same, and the regulation and disposition  
468 thereof; (4) limitations on the purpose to which the proceeds of sale of  
469 bonds, notes or other obligations may be applied and pledging such  
470 proceeds to secure the payment of the bonds, notes or other  
471 obligations, or of any issues thereof; (5) limitations on the issuance of  
472 additional bonds, notes or other obligations, the terms upon which  
473 additional bonds, bond anticipation notes or other obligations may be  
474 issued and secured, the refunding or purchase of outstanding bonds,  
475 notes or other obligations of the authority; (6) the procedure, if any, by  
476 which the terms of any contract with the holders of any bonds, notes or  
477 other obligations of the authority may be amended or abrogated, the  
478 amount of bonds, notes or other obligations the holders of which must  
479 consent thereto and the manner in which such consent may be given;  
480 (7) limitations on the amount of moneys to be expended by the  
481 authority for operating, administrative or other expenses of the  
482 authority; (8) the vesting in a trustee or trustees of such property,  
483 rights, powers and duties in trust as the authority may determine,  
484 which may include any or all of the rights, powers and duties of any  
485 trustee appointed by the holders of any bonds, notes or other

486 obligations and limiting or abrogating the right of the holders of any  
487 bonds, notes or other obligations of the authority to appoint a trustee  
488 or limiting the rights, powers and duties of such trustee; (9) a provision  
489 for a trust agreement by and between the authority and a corporate  
490 trustee which may be any trust company or bank having the powers of  
491 a trust company within or without the state, which agreement may  
492 provide for the pledging or assigning of any assets or income from  
493 assets to which or in which the authority has any rights or interest, and  
494 may further provide for such other rights and remedies exercisable by  
495 the trustee as may be proper for the protection of the holders of any  
496 bonds, notes or other obligations of the authority and not otherwise in  
497 violation of law. Such agreement may provide for the restriction of the  
498 rights of any individual holder of bonds, notes or other obligations of  
499 the authority. All expenses incurred in carrying out the provisions of  
500 such trust agreement may be treated as a part of the cost of operation  
501 of the authority. The trust agreement may contain any further  
502 provisions which are reasonable to delineate further the respective  
503 rights, duties, safeguards, responsibilities and liabilities of the  
504 authority, individual and collective holders of bonds, notes and other  
505 obligations of the authority and the trustees; (10) covenants to do or  
506 refrain from doing such acts and things as may be necessary or  
507 convenient or desirable in order to better secure any bonds, notes or  
508 other obligations of the authority, or which, in the discretion of the  
509 authority, will tend to make any bonds, notes or other obligations to be  
510 issued more marketable notwithstanding that such covenants, acts or  
511 things may not be enumerated herein; and (11) any other matters of  
512 like or different character, which in any way affect the security or  
513 protection of the bonds, notes or other obligations.

514 (i) Any pledge made by the authority of income, revenues or other  
515 property shall be valid and binding from the time the pledge is made.  
516 The income, revenue, such state taxes as the authority shall be entitled  
517 to receive or other property so pledged and thereafter received by the  
518 authority shall immediately be subject to the lien of such pledge  
519 without any physical delivery thereof or further act, and the lien of any



520 such pledge shall be valid and binding as against all parties having  
521 claims of any kind in tort, contract or otherwise against the authority,  
522 irrespective of whether such parties have notice thereof.

523 (j) The board of directors of the authority is authorized and  
524 empowered to obtain from any department, agency or instrumentality  
525 of the United States any insurance or guarantee as to, or of or for the  
526 payment or repayment of, interest or principal or both, or any part  
527 thereof, on any bonds, notes or other obligations issued by the  
528 authority pursuant to the provisions of this section and,  
529 notwithstanding any other provisions of sections 1 to 9, inclusive, of  
530 this act, to enter into any agreement, contract or any other instrument  
531 whatsoever with respect to any such insurance or guarantee except to  
532 the extent that such action would in any way impair or interfere with  
533 the authority's ability to perform and fulfill the terms of any agreement  
534 made with the holders of the bonds, bond anticipation notes or other  
535 obligations of the authority.

536 (k) Neither the members of the board of directors of the authority  
537 nor any person executing bonds, notes or other obligations of the  
538 authority issued pursuant to this section shall be liable personally on  
539 such bonds, notes or other obligations or be subject to any personal  
540 liability or accountability by reason of the issuance thereof, nor shall  
541 any director or employee of the authority be personally liable for  
542 damage or injury caused in the performance of his duties and within  
543 the scope of his employment or appointment as such director, officer  
544 or employee, provided the conduct of such director, officer or  
545 employee was found not to have been wanton, reckless, wilful or  
546 malicious. The authority shall protect, save harmless and indemnify its  
547 directors, officers or employees from financial loss and expense,  
548 including legal fees and costs, if any, arising out of any claim, demand,  
549 suit or judgment by reason of alleged negligence or alleged  
550 deprivation of any person's civil rights or any other act or omission  
551 resulting in damage or injury, if the director, officer or employee is  
552 found to have been acting in the discharge of his or her duties or

553 within the scope of his or her employment and such act or omission is  
554 found not to have been wanton, reckless, wilful or malicious.

555 (l) The board of directors of the authority shall have power to  
556 purchase bonds, notes or other obligations of the authority out of any  
557 funds available for such purpose. The authority may hold, cancel or  
558 resell such bonds, notes or other obligations subject to and in  
559 accordance with agreements with holders of its bonds, notes and other  
560 obligations.

561 (m) All moneys received pursuant to the authority of this section,  
562 whether as proceeds from the sale of bonds or as revenues, shall be  
563 deemed to be trust funds to be held and applied solely as provided in  
564 this section. Any officer with whom, or any bank or trust company  
565 with which, such moneys shall be deposited shall act as trustee of such  
566 moneys and shall hold and apply the same for the purposes of section  
567 2 of this act, and the resolution authorizing the bonds of any issue or  
568 the trust agreement securing such bonds may provide.

569 (n) Any holder of bonds, notes or other obligations issued under the  
570 provisions of this section, and the trustee or trustees under any trust  
571 agreement, except to the extent the rights herein given may be  
572 restricted by any resolution authorizing the issuance of or any such  
573 trust agreement securing such bonds, may, either at law or in equity,  
574 by suit, action, mandamus or other proceeding, protect and enforce  
575 any and all rights under the laws of the state or granted under this  
576 section or under such resolution or trust agreement and may enforce  
577 and compel the performance of all duties required by this section or by  
578 such resolution or trust agreement to be performed by the authority or  
579 by any officer, employee or agent thereof, including the fixing,  
580 charging and collecting of the rates, rents, fees and charges herein  
581 authorized and required by the provisions of such resolution or trust  
582 agreement to be fixed, established and collected.

583 (o) The authority may make representations and agreements for the  
584 benefit of the holders of any bonds, notes or other obligations of the

585 state which are necessary or appropriate to ensure the exclusion from  
586 gross income for federal income tax purposes of interest on bonds,  
587 notes or other obligations of the state from taxation under the Internal  
588 Revenue Code of 1986 or any subsequent corresponding internal  
589 revenue code of the United States, as from time to time amended,  
590 including agreement to pay rebates to the federal government of  
591 investment earnings derived from the investment of the proceeds of  
592 the bonds, notes or other obligations of the authority. Any such  
593 agreement may include: (1) A covenant to pay rebates to the federal  
594 government of investment earnings derived from the investment of the  
595 proceeds of the bonds, notes or other obligations of the authority; (2) a  
596 covenant that the authority will not limit or alter its rebate obligations  
597 until its obligations to the holders or owners of such bonds, notes or  
598 other obligations are finally met and discharged; and (3) provisions to  
599 (A) establish trust and other accounts which may be appropriate to  
600 carry out such representations and agreements, (B) retain fiscal agents  
601 as depositories for such funds and accounts, and (C) provide that such  
602 fiscal agents may act as trustee of such funds and accounts.

603 (p) No bonds, notes or other obligations shall be issued by the  
604 authority unless such bonds, notes or other obligations have been  
605 approved for issuance by the State Bond Commission following a  
606 finding that such issuance is in the public interest.

607 Sec. 7. (NEW) (*Effective from passage*) With the concurrence of the  
608 Secretary of the Office of Policy and Management and the State  
609 Treasurer, the New Haven Region Development Authority may  
610 submit an application to Connecticut Innovations, Incorporated, for a  
611 loan or loans consistent with the requirements of chapter 579 of the  
612 general statutes and Connecticut Innovations, Incorporated, is hereby  
613 authorized to review such application as a package for the purposes of  
614 its requirements, including eligibility for federal or state funding in  
615 addition to the financing applied for. Any loan by Connecticut  
616 Innovations, Incorporated, to the New Haven Region Development  
617 Authority shall be evidenced by the general obligation bond of

618 Connecticut Innovations, Incorporated, in fully marketable form, duly  
619 executed and accompanied by an approving legal opinion with respect  
620 to validity, security and tax matters as would otherwise be required in  
621 a public offering. Any loan with respect to a hotel or other portions of  
622 private investment pertaining to any convention center project shall be  
623 on such terms and conditions as Connecticut Innovations,  
624 Incorporated, requires to satisfy its eligibility for financing of a loan  
625 from the proceeds of its general obligation program bonds.

626       Sec. 8. (NEW) (*Effective from passage*) The state of Connecticut does  
627 hereby pledge to and agree with the holders of any bonds, notes and  
628 other obligations issued under section 6 of this act and with those  
629 parties who may enter into contracts with the New Haven Region  
630 Development Authority or its successor agency, that the state will not  
631 limit or alter the rights hereby vested in the authority or in the holders  
632 of any bonds, notes or other obligations of the authority to which  
633 contract assistance is pledged pursuant to this section until such  
634 obligations, together with the interest thereon, are fully met and  
635 discharged and such contracts are fully performed on the part of the  
636 authority, provided nothing contained herein shall preclude such  
637 limitation or alteration if and when adequate provision shall be made  
638 by law for the protection of the holders of such bonds, notes and other  
639 obligations of the authority or those entering into contracts with the  
640 authority. The authority is authorized to include this pledge and  
641 undertaking for the state in such bonds, notes and other obligations or  
642 contracts.

643       Sec. 9. (NEW) (*Effective from passage*) The state shall protect, save  
644 harmless and indemnify the New Haven Region Development  
645 Authority and its directors, officers and employees from financial loss  
646 and expense, including legal fees and costs, if any, arising out of any  
647 claim, demand, suit or judgment based upon any alleged act or  
648 omission of the authority or any such director, officer or employee in  
649 connection with, or any other legal challenge to, such projects within  
650 the NRDA development district, provided any such director, officer or

651 employee is found to have been acting in the discharge of such  
 652 director, officer or employee's duties or within the scope of such  
 653 director, officer or employee's employment and any such act or  
 654 omission is found not to have been wanton, reckless, wilful or  
 655 malicious.

656 Sec. 10. (NEW) (*Effective from passage*) No ordinance, law or  
 657 regulation adopted by, or granting authority to, any municipality shall  
 658 apply to the demolition, construction, repair, improvement, expansion  
 659 or extension of the New Haven Train Station if undertaken by the state  
 660 or a public instrumentality thereof, including the New Haven Region  
 661 Development Authority. Notwithstanding any provision of the general  
 662 statutes, the State Building Inspector and the State Fire Marshal shall  
 663 have original jurisdiction of the New Haven Train Station, including,  
 664 but not limited to, the conduct of necessary reviews and inspections,  
 665 and the issuance of any building permit, certificate of occupancy or  
 666 other necessary permits or certificates related to building construction,  
 667 occupancy or fire safety.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section

**PD** Joint Favorable Subst.

**GAE** Joint Favorable